

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 07 Civ. 2914 (CLB) (MDF)

5 -----x
6 JOHN CARELLO,

7 Plaintiff,

8 - against -

9 THE CITY OF NEW ROCHELLE, THE NEW
10 ROCHELLE POLICE DEPARTMENT, P.O. GEORGE
11 ROSENBERGEN, AND P.O. JOHN/JANE DOES,
12 Defendants.

13 -----x

14 October 18, 2007

15 10:25 a.m.

16 DEPOSITION of Plaintiff, JOHN CARELLO,
17 taken by Defendants, pursuant to Order,
18 held at the offices of Wilson, Elser,
19 Moskowitz, Edelman & Dicker, LLP, 3
20 Gannett Drive, White Plains, New York,
21 before Reva Weiss, a Notary Public of the
22 State of New York.
23
24
25

A P P E A R A N C E S :

McKENNA McGOWAN LLP

11 Church Street

White Plains, New York 10601

Attorneys for Plaintiff

BY: MATTHEW McGOWAN, ESQ.

WILSON, ELSER, MOSKOWITZ,

EDELMAN & DICKER, LLP

3 Gannett Drive

White Plains, New York 10604

Attorneys for Defendants

BY: LALIT K. LOOMBA, ESQ.

ALSO PRESTEN:

GEORGE ROSENBERGEN

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED,
by and among counsel for the respective
parties hereto, that the filing, sealing
and certification of the within
deposition shall be and the same are
hereby waived;

IT IS FURTHER STIPULATED AND
AGREED that all objections, except as to
form of the question, shall be reserved
to the time of the trial;

IT IS FURTHER STIPULATED AND
AGREED that the within deposition may be
signed before any Notary Public with the
same force and effect as if signed and
sworn to before the Court.

* * *

1
2 J O H N C A R E L L O ,
3 having first been duly sworn by Reva
4 Weiss, a Notary Public within and for the
5 State of New York, testified as follows:

6 EXAMINATION BY

7 MR. LOOMBA:

8 Q What is your name?

9 A John Carello.

10 Q Where do you reside?

11 A 39 High Street, Armonk, New
12 York 10504.

13 Q Good morning, Mr. Carello. My
14 name Lalit Loomba. I'm an attorney
15 representing the defendants in this case.
16 We are here to take your deposition
17 concerning the underlying incident of
18 January 11, 2006.

19 Have you been in a deposition
20 before?

21 A Yes.

22 Q So you understand that you have
23 been placed under oath?

24 A Yes.

25 Q And that you are obligated by

CARELLO

A I drove away.

Q Where did you go?

A I went to the New Rochelle
Police Department.

Q That would be just down the
road on the left-hand side?

A That's correct.

Q Did you go there directly?

A Yes.

Q Did you make any calls on your
way over, telephone calls?

A I don't recall.

Q Where did you park?

A I parked on North Avenue.

Q And did you go inside the
headquarters?

A Yes.

Q What did you do?

A I went to the front desk and
spoke to the person that was working
there that I would like to make a
complaint.

Q Was that person an officer or a
civilian service officer?

CARELLO

Q So your weight was supported by
your feet --

A Yes.

Q -- and your legs?

A Yes.

Q Is that right?

A Uh-huh.

Q Say "yes."

A I said "yes".

Q You said "uh-huh." She can't
take that one down.

So you are standing up. Is
Sergeant Rosenbergen still touching you
at that point?

A Yes.

Q Can you describe how he's
touching you?

A All I know is he grabs me at
the back of my neck, from the front to
the back, and pulls me out of the room by
my neck and my jacket.

Q Did you have anything on the
table before this happened, by the way?

A I --

CARELLO

Q For example, your wallet, car keys.

A I had items with me, because I had to go back and get them.

Q So when you went in the room the second time, you are saying, you put items on the table?

A I don't recall if they were on a table or a chair in there, but I had items with me in the room.

Q And you had removed them from your pockets?

A They were never in my pocket.

Q You carried them in there with your hand?

A Yes.

Q And then you placed them down?

A Yes.

Q Now, he moved you outside the room, is that is that your testimony?

A Yes.

Q This is outside of the interview room?

A Outside of the interview room.

CARELLO

Q And you are now in that small lobby area. What happened there?

A He made a comment, I'm done with you or get out of here or something along those lines.

Q And did you respond?

A Yes.

Q What did you say?

A I said can I at least have my items that I have in the room.

Q And what did he say?

A He said yes.

Q Then what happened?

A I retrieved them. I don't know if I went back in the room and got them or if they brought it out. I don't recall a hundred percent.

Q What happened next?

A I walked out of the building.

Q When you got out of the interview room, was there anybody else there that might have seen --

A There were --

MR. McGOWAN: In the small

CARELLO

Exhibit D, please.

(Pause.)

A Okay.

Q Have you seen this document before?

A I don't recall it.

Q In connection with the tickets that you received on January 11, 2006, did you plead guilty?

A I plea bargained.

Q When did that happen?

A I don't know if this is the date on here or not. I can't recall the date.

Q Were you represented by an attorney when you did that?

A No.

Q This indicates there was plea on July 21, 2006. Is that consistent with your recollection of when you pled guilty?

MR. McGOWAN: When he reached a plea.

A It looks accurate.

1 CARELLO

2 Q And it says on this document
3 that you pled guilty to the speeding
4 ticket. Is that right?

5 A I believe I pleaded guilty to
6 the speeding ticket and it lists other
7 tickets.

8 MR. McGOWAN: What's the date on
9 that? July 21?

10 MR. LOOMBA: 2006.

11 MR. McGOWAN: Thank you.

12 Q Now, besides the \$18,000 that's
13 the treatment cost at Harbour Pointe, are
14 there any other expenses that you claim
15 as damages in this case?

16 MR. McGOWAN: Just so you know
17 what counsel means, he means
18 out-of-pocket expenses.

19 Is that correct?

20 MR. LOOMBA: That's right.

21 MR. McGOWAN: Money that came
22 out of your pocket.

23 A I'm sure that there are, but
24 how much, I don't recall.

25 Q Are you claiming any attorney's

C E R T I F I C A T I O N

I, Reva Weiss, a Notary Public within
and for the state of New York, do hereby
certify that the foregoing witness,
JOHN CARELLO, was duly sworn on the date
indicated, and that the foregoing is a
true and accurate transcription of my
stenographic notes.

I further certify that I am not
employed by nor related to any party to
this action.

A handwritten signature in cursive script, reading "Reva Weiss", is written over a horizontal dashed line.

REVA WEISS